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SEP 14 2011

1 Arthur I. Kriss  
2 2398 West 1050 North  
3 Hurricane, UT 84737  
4 (435) 635-5466

U.S. BANKRUPTCY COURT  
MARY A. SCHOTT, CLERK

5 Appearing Pro Se

6 UNITED STATES BANKRUPTCY COURT

7 DISTRICT OF NEVADA

8	In re.	) Case No.: BK-S-06-10725-LBR
9		)
10	USA Commercial Mortgage	) Chapter 11
11		)
12	Company,	) RESPONSE TO OMNIBUS OBJECTIONS
13		) OF USACM TRUST TO PROOF OF
14	Debtor	) CLAIM 10725-01874 BASED
15		) ENTIRELY UPON INVESTMENT IN THE
		) HFAH CLEAR LAKE LOAN
		)
		) Date of Hearing September 30,
		) 2011
		)
		) Time of Hearing: 9:30 AM

16 INTRODUCTION:

17 Arthur I. Kriss, Claimant, hereby files this Response to the  
18 Objections in Part of the USACM Liquidating Trust to my Claim.

19 This Claim is based upon the loss of my investment in the amount  
20 of \$50,000.00 due to fraudulent actions by USACM, in that 1)  
21 they solicited me to make the investment, took my money, and  
22 assigned me into a different loan while the loan was in default  
23 status, a violation of NRS-645B.310 2. and did not apprise me of  
24 the same; 2) USA Investment Partners held an interest in Homes  
25

REC'D BY CMT 9/23/11

1 for America Holdings, Inc. and that those interests were not  
2 disclosed to the investors in violation of NRS-645B.185 6. (b)  
3 (2); and **3)** USACM violated (breached) the provisions of the Loan  
4 Servicing Agreement (contract).

5  
6 The Trustees objections to the Proofs of Claim filed by me **1)**  
7 that I do not have a completely valid claim because I took a  
8 known an obvious risk in making the investment, and **2)** that  
9 USACM did not guarantee repayment of the loan are completely  
10 without substance. I readily acknowledge the risk associated  
11 with investments of any kind, and assume those risks, sometimes  
12 with trepidation. However, the risks one takes when making an  
13 investment also assumes that the broker of the investment is  
14 honest, and an independent third party. In the instant case it  
15 is a fact that the Broker was/is dishonest and was not an  
16 independent third party, in that USA Investment Partners held an  
17 interest in Homes for America Holdings, Inc. and that those  
18 interests were not disclosed to the investors in violation of  
19 NRS-645B.185 6. (b) (2).

20  
21 An investment is judged on its merits, and USACM was assumed to  
22 be an honest broker. I had made several previous investments  
23 with USACM which were successful. They were properly licensed by  
24 the State of Nevada and there were no notices of impending  
25 problems with the business and the business was in apparent good

1 standing when I made the investments. I contend that the  
2 Trustee's first objection is unsubstantiated.

3  
4 It is further readily acknowledged that USACM did not guarantee  
5 repayment of the Notes, and is probably not directly responsible  
6 for the default, though when they declared bankruptcy, they  
7 announced to the world that they were in trouble and could not  
8 be easily sued by their borrowers for any wrongdoing, and that a  
9 default by a borrower would probably not be pursued. The fact  
10 that the principles of USACM held an undisclosed interest in the  
11 borrower [HFAH] probably influenced the decision by USACM to  
12 ignore the provisions of the Loan Servicing Agreement requiring  
13 action in the event of default. I contend that the Trustee's  
14 second objection is unsubstantiated.

15  
16 **STATEMENT OF FACTS:**

17 1. The Promissory Note for the loan is dated January 6, 2005.

18 It was made by HFAH Clear Lake LLC, in favor of USACM's  
19 Diversified Trust Deed Fund, LLC, Lender. The Mortgage  
20 Security Agreement for the Loan was recorded in Palm Beach  
21 County, Florida, CFN 20050040083.

22 2. I was not supposed to be an investor in the Diversified  
23 Trust Deed Fund. My investment was to be made in a **new**  
24 "First Trust Deed" based upon the USACM Tout Sheet [Exhibit  
25 1] and was funded on March 20, 2006. [Exhibit 2].

1 3. USA/USACM/MIFM did in fact fraudulently assign me into the  
2 Diversified First Trust Deed loan by Assignment of  
3 Beneficial Interest in Mortgage, CFN 20060238733, on April  
4 26, 2006 [Exhibit 3]. This occurred post-petition, and  
5 while USACM was under the management of MIFM.

6 4. I appointed USACM (SPECIAL POWER OF ATTORNEY) ON March 1,  
7 2006 as my "true and lawful attorney" to take certain  
8 actions on my behalf [Exhibit 4], basically in accordance  
9 with the Loan Servicing Agreement.

10 a. The Power of Attorney [Exhibit 4] was unlawfully used  
11 to make the assignment.

12 b. USACM/ did fraudulently and unlawfully assign me into  
13 a First Trust Deed Fund loan in default, not a USACM  
14 First Trust Deed.

15 c. USACM apparently co-mingled First Deed Investments  
16 with those of the USACM First Trust Deed Fund, in  
17 violation of NRS-645B.175.

18 d. USACM did violate the provisions of NRS-165B.185 6.

19 (b) (2) in failing to disclose an interest in the  
20 debtor.

21 e. USA/USACM/MIFM did breach the contract [Loan Servicing  
22 Agreement] Section C. 1 (b) in that they invested my  
23 funds into the "USACM First Trust Deed Fund"  
24 investment instead of the First Trust Deed investment  
25 represented by the Tout Sheet, and did in fact

1 unlawfully present my Power of Attorney as  
2 authorization for their actions.

3 f. USA/USACM/MIFM did breach the contract (LSA) by  
4 failing to conform to the provisions of the LSA  
5 (contract) concerning their duties and  
6 responsibilities to perform certain actions upon  
7 default by the borrowers; Breach of Fiduciary Duty,  
8 and violations of Nevada law. A Contract (Loan  
9 Servicing Agreement) is a legally enforceable Agreement  
10 between two or more parties with mutual obligations.  
11 The remedy at law for breach of contract and Fiduciary  
12 Duty is "**damages**" or monetary compensation. In the  
13 instant case, because legal action against the  
14 offending party is not possible due to the bankruptcy  
15 filing, damages cannot be pursued and therefore Claims  
16 against the Estate in Bankruptcy Court are the proper  
17 forum for recovery.

18 i. The Contract (LSA) specifies certain explicit  
19 duties (services) that USA will perform.

20 ii. Re: C. 2. (c) "Until the total amount due under  
21 each note is paid in full":

22 (i) Proceed **diligently** to collect all payments  
23 due under the terms of the note.... "**diligently**":  
24 *persevering, the attention and care legally*  
25 *expected or required characterized by steady,*

1           earnest, and energetic application and effort.

2           (ii) In the event the Borrower fails to make  
3           any payment to USA as required, **USA will take**  
4           **steps to collect payment.....to fully protect the**  
5           **interests of the Lender**, and of all Lenders in  
6           the loan.

7           g. USA / USACM / Mr. Allison (appointed by the  
8           Court on April 17, 2006) had an absolute  
9           responsibility to pursue all legal options to protect  
10          the Lenders interests in the note and failed to do so.  
11          In fact, MIFM/Mr. Allison participated in the fraud  
12          perpetuated against me by recording my investment  
13          money in a failed loan.

14          h. USA/USACM/MIFM did record on May 8, 2006 yet  
15          another Assignment of Beneficial Interest CFN  
16          20060271949 [Exhibit 5] to change the beneficial  
17          interest of Nancy R. Davis, Trustee of the Nancy R.  
18          Davis Defined Benefit Plan to David B. Chaffin.  
19          Attached as Exhibit A to the Assignment was a new  
20          list of lenders in which I **(First Savings Bank,**  
21          **Custodian of the Arthur I. Kriss IRA)** is  
22          not listed, **thereby eliminating my formally recorded**  
23          **interest in the loan.** It appears as though the  
24  
25

1 former interest of Frederick C. Windisch was redeemed  
2 when the assignment of his interest was transferred  
3 to me.

4 However, Mr. Windisch interest reappears in the List  
5 of Investors with the May 8, 2006 recording. There  
6 was apparently much wrong with the processes of  
7 recording lender interest under the MIFM management.  
8 I would suggest that in an effort to hide the funds  
9 collected for the "new" loan, assignments were made  
10 to the old (2005) loan, and thereafter were simply  
11 confused as MIFM illegally released funds to certain  
12 investors for whatever reason.  
13

14 **SUMMARY AND CONCLUSIONS:**

15 This is one messed up loan! Misrepresentations by USACM of the  
16 loan being a new loan, which was in fact converted to be a  
17 modification of an old loan in default, without approval of the  
18 lenders; the confusion of who is an investor and who is not  
19 (especially me); the apparent violations by USACM/MIFM in using  
20 Powers of Attorney for transactions to try to make things right  
21 for the debtor HFAH Clear Lake in which the principles of USACM  
22 held an interest; the failure of USACM/MIFM to comply with the  
23 terms of the Loan Servicing Agreements to collect on the loan  
24 from the Borrower in which they held an interest; or to timely  
25

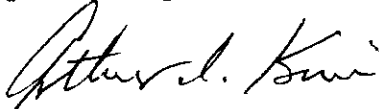
1 foreclose or to collect on the Guaranty; collectively add up to  
2 a total failure by USA/MIFM to serve the lender.

3 I contend that my investment in this loan is or should be in the  
4 category of a "secured investment" because of the uncertainty of  
5 my status relating to the recorded documents. Therefore, I  
6 earnestly appeal to the Court and the liquidating Trustee to  
7 immediately convert this Claim back to the category of "Secured  
8 Investment" and award me \$50,000.00 from the Estate plus accrued  
9 interest at 12% (the basic loan interest rate) for the period  
10 beginning March 20, 2006 to the date of the payment.  
11

12 I certify the foregoing is true and correct to the best of my  
13 knowledge.  
14

15 Dated September 10, 2011

16 Respectfully submitted,

17 

18 Arthur I. Kriss

19 Copies submitted via US Postal Service to:

20 Lewis & Roca Attn: John Hinderaker and Robert Charles  
21 3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996

22 and via email

23 John Hinderaker [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

24 Robert Charles [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
25



[EXHIBIT I]

## USA Capital

### The Project:

The property includes a 180-unit apartment complex, with units ranging in size from 775 to 1,080 square feet per unit. The site recently received approvals for 590 new condominium units, which will replace the existing apartments. Homes for America began taking reservations for the units in October 2005, and currently 199 units have executed contracts. Construction for Phase I is expected to start in second quarter 2006 with an estimated completion date of fourth quarter 2007 and will contain one, 12-story tower containing 107 residential units, one, 16-story tower containing 143 residential units, one, six-story parking garage containing 30 residential lofts and 567 parking spaces, and a single story 3,206 square foot club house.

The site is located on Clear Lake in West Palm Beach, Florida, within 5 to 10 minutes from Palm Beach International Airport, The Intercoastal Waterway, Clematis Street District, a large retail shopping mall and many golf courses.

### The Developer:

The project is being developed by Homes for America Holdings, Inc. a prior borrower of USA Capital. The company has been involved in the purchase, rehabilitation, and management of nearly 2,000 apartment units primarily in Texas and Florida. Homes for America is currently working on the rehabilitation and stabilization of the historic Colt Arms factory, or Coltsville Heritage Park, in downtown Hartford, Connecticut.

Homes for America has been a borrower of USA Capital since December 1998. In that time USA has funded 14 loans for the company, 7 loans have paid as agreed, and the remaining 7 are all paid current to date.

### Guarantees:

The loan will be guaranteed by Homes for America Holdings, Inc. The company has an estimated market value of equity in their existing properties of approximately \$88 million.

### USA Capital

702-734-2400

Licensed by the State of Nevada Division of Mortgage Lending  
USA Commercial Mortgage Company 4484 S. Pecos Rd, Las Vegas NV 89121  
License #MB 333 2/10/2006

Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured. Before investing investors must be provided applicable disclosure.



[EXHIBIT 2]

March 23, 2006

Arthur I Kriss  
2398 West 1050 North  
Hurricane, UT 84737

Dear Arthur,

USA Capital would like to take this opportunity to thank you for investing in our First Trust Deed program. Your investment of \$50000 in the **HFA-Clear Lake** loan was funded on 03-20-06. You will start earning interest from 03-20-06.

USA Capital continues to underwrite all loans with the same care and diligence we have used since 1989. The interest for this first trust deed investment will be paid on or before the 10<sup>th</sup> of each month. USA Capital will fully service your investment, including monthly interest, statements, and tax reporting. If you have any questions or comments, please feel free to call (702) 734-2400. Thank you again.

Sincerely,

USA Capital

[Exhibit-3]



When Recorded Return to:

JOHN ENRIGHT

Fidelity National Title

40 N. Central

Suite 2850

Phoenix, AZ 85004

Escrow # 04 PHX 0167

RETURN TO:

FIDELITY NATIONAL TITLE

INSURANCE COMPANY

ATTN: WENDY TEAGUE

5690 W. Cypress St., Ste A

Tampa, FL 33607

NAPS / FNT File No

NT04-0438

CFN 20060238733

OR BK 20239 PG 0349

RECORDED 04/24/2006 12:14:04

Palm Beach County, Florida

Sharon R. Bock, CLERK &amp; COMPTROLLER

Pg 0349; (1pg)

9345.79

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## ASSIGNMENT OF BENEFICIAL INTEREST IN Mortgage

FOR VALUE RECEIVED, THE UNDERSIGNED ("Assignor") hereby grants, assigns, sets over and transfers to First Savings Bank Custodian For Arthur L. Kriss IRA ("Assignee"), Fifty Thousand Dollars (\$50,000) of Assignor's undivided beneficial interest in the Mortgage (as defined below). As used herein, "Mortgage" shall mean that certain Mortgage, Security Agreement and Assignments of Rents (the "Mortgage") dated 6th day of January, 2005, by and between HFAH Clear Lake LLC, a Florida limited liability company, ("Mortgagor"), and those persons listed on Exhibit "A" thereto ("Mortgagee"). The Mortgage was recorded on January 21, 2005 as Document No. 20050040083, Book No. 18043 page 1448, in the Official Records of Palm Beach County, Florida.

This Assignment is made together with the Note or Notes therein described or referred to therein, the money due or to become due thereon, together with interest and rights accrued or to accrue under said Mortgage.

DATED this 21 day of MARCH, 2006.

ASSIGNOR: Frederick P. Windisch Trustee of the Windisch 1998 Living Trust

Frederick P. Windisch  
Frederick P. Windisch Trustee TFE

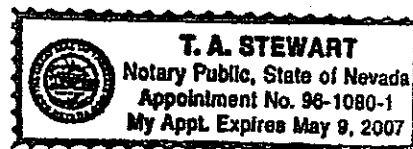
STATE OF Nevada )  
COUNTY OF Clark ) ss.

On 3/21, 2006, before me, T.A. Stewart, a Notary Public in and for said State, personally appeared Frederick P. Windisch Trustee of the Windisch 1998 Living Trust, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal:

T.A. Stewart  
Signature

(Seal)



**EXHIBIT "A"****LENDERS**

HFA- Clear Lake

<b>NAME</b>	<b>Amount</b>
Ali M. Abyane & Soheila M. Abyane Trustees of the Abyane Family Trust dated 2/7/92	\$50,000.00
Daniel C. Altman & Barbara A. Altman Trustees of the Altman Living Trust dated 11/4/04	\$150,000.00
Charles B. Anderson Trustee of the Charles B. Anderson Trust	\$100,000.00
Rita P. Anderson Trustee For the Benefit of Rita P. Anderson Trust	\$100,000.00
Lawrence J. Aronson & Henrietta Aronson, husband & wife as joint tenants with rights of survivorship	\$100,000.00
Michael K. M. Au, a married man dealing with his sole and separate property	\$50,000.00
Daniel C. Barcia, a married man dealing with his sole & separate property	\$50,000.00
Lidia Bazzoli & Daniela Bazzoli-Ferrari, joint tenants with right of survivorship	\$50,000.00
Jack J. Beaulieu Trustee of the Jack J. Beaulieu Revocable Living Trust dated 9/1/94	\$150,000.00
Kenneth R. Becker & Joanne T. Becker, husband & wife, Grace Becker & Sarah Becker, their minor children with right of survivorship	\$100,000.00
Larry E. Bell & Garnet F. Bell, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Joseph C. Bellan & Verna J. Bellan Trustees of the Joseph C. Bellan & Verna J. Bellan Revocable Living Trust dated 2/4/00	\$50,000.00
David P. Betteridge, a single man	\$60,000.00
Virgil L. Birgen & La Donna F. Birgen Trustees of the Birgen Charitable Trust dated 8/1/90	\$100,000.00
Virgil Leo Birgen & La Donna Frances Birgen Trustees of the Birgen Family Trust	\$50,000.00
Gerald L. Bittner, Jr. DDS Profit Sharing Plan	\$75,000.00
Rene C. Blanchard Trustee of the Rene C. Blanchard Charitable Remainder Trust dated 5/6/04	\$100,000.00
Rene C. Blanchard Trustee of the Rene C. Blanchard Revocable Living Trust dated 2/14/73	\$50,000.00
William Bolding & Carolyn Bolding, husband & wife, as joint tenants with right of survivorship	\$50,000.00
James R. Bonfiglio & Donna M. Bonfiglio General Partners of the Broadwalk Investments Limited Partnership	\$100,000.00
John S. Borkoski & Kathleen Borkoski, husband & wife, as joint tenants with rights of survivorship	\$50,000.00
Charles E. Borom & Lanna G. Borom, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Raymond Brahy & Rita Brahy, husband & wife, as joint tenants with right of survivorship	\$100,000.00
John S. Broders, an unmarried man	\$50,000.00
Howard D. Brooks & Doreen C. Brooks Trustees of the Brooks Living Trust dated 6/30/97	\$50,000.00
First Savings Bank Custodian For Edward Burgess IRA	\$75,000.00
Peter W. Capone & Deidre D. Capone, husband & wife, as joint tenants with right of survivorship	\$100,000.00

HFA- Clear Lake

NAME	Amount
James B. Cardwell & Reba Jo Cardwell Trustees of the Cardwell Family Trust	\$405,000.00
James B. Cardwell Trustee of the Cardwell Charitable Trust	\$350,000.00
Sterling Trust Company Custodian for Richard F. Casey III, IRA #086082	\$50,000.00
Alta Funding, Inc., a Florida corporation	\$100,000.00
Maurice A. Cauchois & Jacqueline M. Cauchois Trustees of the M & J Cauchois Family Trust dated 2/25/93	\$50,000.00
Ronald Norman Cazier & Karen Rae Cazier Trustees of the Ronald Norman Cazier & Karen Rae Cazier Family Trust dated 3/9/00	\$50,000.00
A. William Ceglia, a married man dealing with his sole & separate property	\$110,000.00
David B. Chaffin, MD and Renee A. Chaffin, Trustees of the David B. & Renee A. Chaffin Family Trust dated 2/27/02	\$50,000.00
Tony Chamoun & Carmen Chamoun, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Kar Sei Cheung, a married woman dealing with her sole & separate property	\$50,000.00
Donald P. Clark Trustee of the Donald P. Clark Family Trust dated 10/25/94	\$100,000.00
Jack R. Clark & Linda C. Reid, husband & wife, as joint tenants with right of survivorship	\$50,000.00
George S. Cohan Trustee of the George S. Cohan & Natalie H. Cohan Family Trust dated 4/1/03	\$200,000.00
First Savings Bank Custodian For Peter C. Cranston IRA	\$60,000.00
Gary W. Crowe & Susan R. Crowe Trustees of the Crowe 1989 Family Revocable Trust dated 6/29/89	\$100,000.00
Wen Dai & Zhimin Chen, wife & husband, as joint tenants with the right of survivorship	\$50,000.00
Mark A. Daniel and Cathy A. Daniel, Trustees of the Daniel Living Trust as amended dated 1/9/98	\$50,000.00
Laura Dashosh, an unmarried woman	\$50,000.00
Martin A. Davis & Virginia Lee Davis Trustees of the Davis Family 2000 Trust	\$100,000.00
S & P Davis Limited Partnership, a Texas Partnership	\$50,000.00
Tracy A. DeBerry, an unmarried man	\$50,000.00
James D. Dery & Ann R. Dery, husband & wife	\$75,000.00
Dennis A. DeVito, a married man	\$250,000.00
Eric C. Disbrow Trustee of the Eric C. Disbrow MD Inc. Profit Sharing Plan	\$50,000.00
Arthur T. Donaldson, a married man dealing with his sole & separate property	\$300,000.00
Mieko Donovan & Richard Donovan, as joint tenants with right of survivorship	\$100,000.00
Panagiotis Dovanidis, a single man & Dimitra Dovanidou, a married woman dealing with her sole & separate property, as joint tenants with right of survivorship	\$50,000.00
Daniel T. Drubin & Laura Drubin, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Mary Ann Earp, a single woman & Mary H. Earp, a married woman dealing with her sole & separate property, as joint tenants with right of survivorship	\$60,000.00
Schwartz & Earp Joint Venture	\$57,000.00
Allan R. Eisenbach & Jayne M. Eisenbach, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Scott J. Elowitz, a married man dealing with his sole and separate property	\$50,000.00
Dr. David R. Enrico & Dr. Bonny K. Enrico, husband & wife, as joint tenants with right of survivorship	\$95,000.00
Frank E. Ensign, a single man	\$50,000.00
Caspar H. Escher, Jr., an unmarried man	\$100,000.00
William H. Favro & Carol M. Favro Trustees of the Favro Trust dated 9/14/00	\$50,000.00
Larry Fernandez Trustee of the Fernandez Family Trust dated 6/20/84	\$100,000.00

HFA- Clear Lake

NAME	Amount
First Savings Bank Custodian For R. David Ferrera IRA	\$50,000.00
R. David Ferrera Trustee of the Sacramento Research Medical Group Defined Benefit Pension Plan	\$50,000.00
First Savings Bank Custodian For Lynn Fetterly IRA	\$70,000.00
Lewis H. Fine & Arlene J. Fine, husband & wife	\$80,000.00
Daniel K. Fix & Barbara J. Fix Trustees of the Daniel K. Fix & Barbara J. Fix Family Trust	\$250,000.00
Anne Flannery, an unmarried woman	\$50,000.00
Dennis Flier Trustee of the Dennis Flier, Inc. Defined Benefit Trust dated 6/29/87	\$100,000.00
David Fossati, a single man	\$160,000.00
Robert Geiger & Ruth Geiger, husband & wife	\$50,000.00
Stanley C. Germain & Dorothy Germain, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Gale Gladstone-Katz Trustee of the Gale Gladstone-Katz Revocable Living Trust dated 12/10/03	\$50,000.00
Barry J. Goldstein & Patricia B. Goldstein, as joint tenants with right of survivorship	\$50,000.00
Robin B. Graham & Celia Allen-Graham Trustees of the Graham Family Trust dated 10/26/78	\$100,000.00
First Savings Bank Custodian For Michael H. Greeley IRA	\$50,000.00
Michael H. Greeley Trustee of the Michael Greeley Trust dated 7/27/00	\$50,000.00
First Regional Bank Custodian For Clarence J. Greenwald IRA #69003263337	\$70,000.00
Kim W. Gregory & Debbie R. Gregory Trustees of the Gregory Family Trust of 1988	\$50,000.00
Inge Grist, an unmarried woman	\$55,000.00
Christian Hansen, a single man	\$100,000.00
Edwin C. Hansen & Rachel M. Hansen, joint tenants with right of survivorship	\$130,000.00
MLH Family Investment Limited, a Texas company	\$100,000.00
Kurt Harms & Sandra Harms, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Kay J. Hart, an unmarried woman	\$100,000.00
Edwin L. Hausler, Jr., Trustee for the Edwin Lowell Hausler, Jr. Living Trust dated 1/3/92	\$50,000.00
Kimberly Havins Trustee of the Paepae Estate Trust dated 05/01/00	\$80,000.00
Michael T. Heffner & Barbara C. Heffner Trustees of the Heffner Family Trust dated 9/10/02	\$100,000.00
Helms Homes, LLC, a Nevada limited liability company	\$550,000.00
Terry Helms Trustee of the Terry Helms Living Trust dated 11/11/94	\$100,000.00
Jay E. Henman Trustee of the Jay E. Henman Retirement Plan	\$50,000.00
First Trust Co. Of Onaga Custodian For Brenda J. High IRA	\$71,000.00
First Trust Co. Of Onaga Custodian for Hamilton M. High IRA	\$66,000.00
First Savings Bank custodian for Shellie Hilgenberg IRA	\$50,000.00
Charles D. Hopson Trustee of the Charles D. Hopson Living Trust dated 2/20/96	\$100,000.00
Mila Horak, an unmarried woman	\$50,000.00
Rodney C. Hulse and Cathryn J. Hulse, trustees of the Hulse Family Trust	\$50,000.00
Carole Jaffe In Trust For Ken M. Jaffe & Amy Jaffe-Rosen	\$50,000.00
Albert G. Johnson Jr. & Norma J. Johnson Trustees of the Johnson Family Trust dated 2/17/98	\$60,000.00
Delbert T. Johnston, Jr. & Rebecca J. Johnston Trustees of the Johnston Estate Revocable Trust dated 5/17/94	\$50,000.00
Everett H. Johnston Trustee of the Everett H. Johnston Family Trust dated 1/24/90	\$100,000.00
Ronald A. Kantor and Ruth E. Kantor, Trustees of the Kantor Family Trust, dated 5/6/82	\$50,000.00



HFA- Clear Lake

NAME	Amount
Walter Klevay & Gail Klevay, husband & wife	\$50,000.00
Anna S. Knobel Trustee of the 1996 Knobel Trust dated 9/5/96	\$50,000.00
Guenther A. Kohler & Elfriede Kohler Trustees of the 1989 Kohler Living Trust dated 6/13/89	\$200,000.00
First Savings Bank Custodian For Arthur I. Kriss IRA	\$50,000.00
Lammert Kuiper, Jr. & Audrey H. Kuiper Trustees of the Kuiper Trust	\$50,000.00
Michael LaTorra & Joan LaTorra, husband & wife, as joint tenants with right of survivorship	\$75,000.00
Jose M. Lanzas & Gladys Lanzas, husband & wife, as joint tenants with right of survivorship	\$20,000.00
Suzanne N. Liewer Trustee of the Suzanne Liewer 2000 Revocable Trust dated 1/18/00	\$50,000.00
Venusio Solutions, LLC	\$75,000.00
Brant C. Lyall and Kathy J. Lyall, husband and wife, as joint tenants with right of survivorship	\$50,000.00
Helen C. Makepeace Trustee of the Helen C. Makepeace Survivor's Trust UAD 06/18/97	\$50,000.00
Tamra A. Mamuad, a married woman as her sole and separate property	\$25,000.00
Gilbert Manuel, Trustee of the Gilbert Manuel Living Trust dated 1/3/92	\$50,000.00
TK & Associates, a Minnesota company	\$50,000.00
Dale J. McMullan Trustee of the McMullan Living Trust dated 8/19/94	\$50,000.00
Rosemarie L. McMullin, as her separate property under the Phillip E. McMullin & Rosemarie L. McMullin Family Trust dated 4/4/80 & amended 3/19/94	\$50,000.00
David R. McPherson & Susan McPherson, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Michaelian Holdings, LLC, a Nevada limited liability company	\$50,000.00
Gary A. Michelsen, an unmarried man	\$50,000.00
First Trust Co. Of Onaga Custodian For Karen S. Moberly IRA	\$25,000.00
Matthew Molitch Trustee of the Molitch 1997 Trust	\$50,000.00
Monighetti, Inc., a Nevada corporation	\$50,000.00
Ronald K. Montesano Trustee for the benefit of The Underpass Trust	\$50,000.00
Frieda Moon Trustee of The Decedent's Trust of the Restated Moon 1987 Irrevocable Trust dated 6/12/87	\$50,000.00
Paula A. Morgan Trustee of the P. Morgan Trust dated 7/1/88	\$50,000.00
Lamoine Murray & Lois H. Murray, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Equity Trust Company Custodian For the Benefit of the Fred G. Neufeld IRA	\$50,000.00
Daniel D. Newman Trustee of the Daniel D. Newman Trust dated 11/1/92	\$70,000.00
Richard A. Nielsen Incorporated Profit Sharing Plan	\$100,000.00
Robert L. Ogren Trustee for the benefit of the Robert L. Ogren Trust dated 6/30/92	\$60,000.00
David M. Olds & Sally W. Olds, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Adrian J.R. Oosthuizen, a married man dealing with his sole & separate property	\$50,000.00
William J. Ovca, Jr. Trustee of the Ovca Associates, Inc. Defined Pension Plan	\$50,000.00
Jingxiu Jason Pan, a married man dealing with his sole & separate property	\$130,000.00
Cynthia Ann Pardee Trustee of the Cynthia Ann Pardee Trust dated 6/20/03	\$50,000.00
Charles Lebron Parker & Mary Jane Parker, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Mojave Canyon, Inc., a Nevada Corporation; J.B. Partain, President	\$150,000.00
Shimon Peress & Hannah Peress Trustees of the Shimon Peress & Hannah K. Peress Trust dated 4/17/01	\$50,000.00

HFA- Clear Lake

NAME	Amount
Betty J. Phenix, a married woman dealing with her sole & separate property	\$50,000.00
Karen L. Pidgeon Trustee of the Karen L. Pidgeon 2006 Living Trust dated 2/27/2006	\$100,000.00
Charles Pollard Jr., a married man dealing with his sole & separate property	\$50,000.00
Morton J. Port, a married man dealing with his sole & separate property	\$50,000.00
Prescia Investments, LLC a Nevada Company, Anthony Prescia and Nancy Prescia Managers	\$75,000.00
Alexander P. Rayment & Maria A. Rayment	\$25,000.00
Emil Reynolds & Anna Reynolds, husband & wife	\$50,000.00
First Savings Bank Custodian For Manuel G. Rice IRA	\$50,000.00
Larry L. Rieger & Patsy R. Rieger Trustees of the Larry L. Rieger & Patsy R. Rieger Revocable Trust dated 8/14/91	\$120,000.00
Harvey Andrew Rineer III Trustee for the Harvey Andrew Rineer III Trust UTA dated 11/15/02	\$50,000.00
Cassandra J. Robbins, an unmarried woman	\$50,000.00
Alan Robinson & Gail Robinson, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Eleanor L. Rogers Trustee of the Eleanor L. Rogers 1991 Revocable Living Trust dated 7/3/91	\$200,000.00
Stuart M. Rosenstein & Deborah H. Rosenstein, husband and wife as joint tenants with rights of survivorship	\$50,000.00
Lee Rotchy Trustee of the Lee Rotchy Trust dated 12/5/00	\$50,000.00
Richard J. Ryan Trustee of the Ryan 1999 Revocable Living Trust dated 11/15/99	\$50,000.00
Burton M Sack Trustee of the David A Sack Irrevocable Trust dated 3/28/94	\$100,000.00
Burton M Sack Trustee of the Scott A Sack Irrevocable Trust dated 3/18/94	\$100,000.00
David Sailon & Joan Sailon, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Howard Samsen & Vera Samsen, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Julius Schmidt Trustee of the Schmidt Family Trust	\$50,000.00
David W. Schroeder, a single man	\$50,000.00
Douglas Gregg Schulze & Doreen L. Schulze, husband & wife, as joint tenants with right of survivorship	\$80,000.00
Milton B. Senfeld & Barbara A. Senfeld, husband & wife, as joint tenants with right of survivorship	\$50,000.00
David W. Sexton & Pamela K. Sexton, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Marion C. Sharp Trustee of the Marion C. Sharp Trust	\$50,000.00
Ronald Sharpe, a single man	\$25,000.00
Mollie Shoichet, a married woman & Henrietta Aronson, a married woman, as joint tenants with rights of survivorship	\$100,000.00
Donald E. Shoup & Sharon K. Shoup, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Alan R. Simmons & Judith B. Simmons, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Bernard Sindler Trustee of the B S Living Trust	\$50,000.00
Tara Sindler, dealing with her sole and separate property	\$50,000.00
Francesco Soro	\$50,000.00
Clifton H. Spindle & Verna R. Spindle, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Bert A. Stevenson Trustee of the Dalton Trust dated 1/7/94	\$100,000.00



HFA- Clear Lake

NAME	Amount
Michael D. Stewart & Mary Jude Stewart Trustees of the Stewart Family Trust dated 1/15/98	\$100,000.00
Harold Sturza, an unmarried man transfer on death to Elyse Smerling, a married woman	\$50,000.00
Louis C. Swilley, an unmarried man	\$50,000.00
Evalyn C. Taylor Trustee of the Evalyn C. Taylor Separate Property Trust dated 2/17/87	\$100,000.00
KTaylorGO Investments, LTD, a Texas company	\$100,000.00
First Savings Bank Custodian For Jacqueline Thurmond IRA	\$50,000.00
Sigmund L. Tomczak & Diana Tomczak Trustees of the Tomczak Family Trust dated 4/25/83	\$75,000.00
Richard R. Tracy & Ursula W. Tracy, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Richard R. Tracy Trustee of the Reno Aeronautical Corporation Defined Benefit Retirement Plan	\$75,000.00
Carlos A. Trujillo, A single man	\$120,000.00
Pensco Trust Company Custodian For Robert William Ulm IRA	\$60,000.00
USA Commercial Real Estate Group	\$50,000.00
USA Capital Diversified Trust Deed Fund	\$141,000.00
Gloria Valair, a single woman	\$50,000.00
Lloyd F. Van Sickle Trustee of The Van Sickle Family Trust dated 5/20/99	\$100,000.00
Roy R. Ventura, Jr. & Nancy B. Ventura, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Melody J. Violet, an unmarried woman	\$50,000.00
Madeline P. Von Tagen Trustee of the Von Tagen Trust dated 5/2/96	\$50,000.00
Heinrich Richard Weber & Brigitte S. Weber, husband & wife, as joint tenants with right of survivorship	\$150,000.00
Diana F. Weiland Trustee for the benefit of Gerald R. Weiland & Diana F. Weiland Trust	\$60,000.00
First Savings Bank Custodian for Tina M. Wener IRA	\$50,000.00
Connie Westbrook, an unmarried woman	\$50,000.00
Barton R. Wilkinson & Dianna J. Wilkinson, husband & wife, as joint tenants with the right of survivorship	\$70,000.00
Shirley Mae Willard Trustee of the Willard Family Trust	\$100,000.00
L.K Wolfe Family, LP, a Nevada limited partnership	\$50,000.00
Kenneth H. Wyatt & Phyllis P. Wyatt Trustees of The Kenneth H. & Phyllis P. Wyatt Family Trust	\$50,000.00
Joseph G. Zappulla & Carol A. Zappulla, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Anthony J. Zerbo, an unmarried man	\$50,000.00
Terry A. Zimmerman Trustee of the Terry Audrey Zimmerman Living Trust dated 9/4/90	\$100,000.00

Exhibit 'A' for 206 people with a total \$ value of

\$16,050,000.00

[Exhibit 4]

**Investor: First Savings Bank Custodian For Arthur I. Kriss IRA**

**SPECIAL POWER OF ATTORNEY**

The undersigned, does hereby appoint USA Commercial Mortgage Company my true and lawful attorney to perform services related to the following loan in which I own a beneficial interest. A loan is being made to **HFAH-Clear Lake, LLC** (the "Borrower") in an amount up to Sixteen Million, Fifty Thousand Dollars (\$16,050,000). In connection with the Loan, the Borrower executed a promissory note (the "Note") and a Mortgage, Security Agreement and Assignment of Rents (the Mortgage") to Fidelity Title Company as Trustee, in favor of Lender as beneficiary. The Mortgage was dated as of January 6, 2005 and recorded on January 21, 2005 as Document No. 20050040083 in the Official Records of Palm Beach County, Florida. Capitalized terms used herein and not otherwise defined herein are used with the meanings given them in the Note and Mortgage.

The services to be performed are described below:

a. To ask, demand, sue for, recover, collect and receive each and every sum of money, debt, account and demand, (which is now due or hereafter shall become due, owing and payable) belonging to or claimed by it in connection with the Loan, and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfaction or release therefor;

b. To exercise any or all of the following powers as to the Mortgage, and the real property and personal property encumbered thereby:

(1) To execute and deliver notices of default under the Mortgage,

(2) To execute and deliver notice(s) of breach and election to sell and all other necessary documents in connection with a trustee's sale under the Mortgage,

(3) To execute and deliver full and/or partial reconveyances of the Mortgage upon the payment therefor to the undersigned, as required by the Mortgage, which payments to the undersigned are to be made directly to the undersigned, in proportion to their respective interests, and not to said attorney-in-fact; and

(4) In the event of a foreclosure of the Mortgage, to sell the real property for the satisfaction of the indebtedness secured by it;

(5) To execute any and all the subdivision map(s) affecting the real property encumbered by the Mortgage; and to execute any certificates or documents to permit the recording of covenants, conditions, and restrictions of record (CC & R's) affecting the real property encumbered by the Mortgage, or any amendments or revocations thereof, that are appropriate or necessary for the development of the real property;

Investor: First Savings Bank Custodian For Arthur I. Kriss IRA

WITNESS MY HAND this 1<sup>st</sup> day of March, 2006

LENDER: First Savings Bank Custodian For Arthur I. Kriss IRA

Arthur I. Kriss  
 STATE OF UT)  
 ) ss.  
 COUNTY OF Washington)

Christina Friele  
 Custodian, FSB  
 Christina Friele

On March 1<sup>st</sup>, 2006, before me, Tyler Endley, a Notary Public in and for said State, personally appeared **Arthur I. Kriss** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Tyler Endley  
 Notary Signature

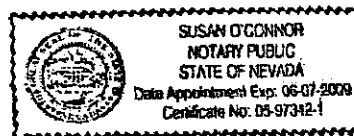


STATE OF NV)  
 ) ss.  
 COUNTY OF Clark)

On Mar 3, 2006, before me, Susan O'Connor, a Notary Public in and for said State, personally appeared Christina Friele **for First Savings Bank as custodian** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Susan O'Connor  
 Notary Signature



[Exhibit 5]

When Recorded Return to  
Tahel Enright  
 Fidelity National Title  
 40 N. Central  
 Suite 2850  
 Phoenix, AZ 85004  
 Escrow # 04-PHY-0167455

RE: LUMIN 100  
 FIDELITY NATIONAL TITLE  
 INSURANCE COMPANY  
 ATTN: WENDY TEAGUE  
 5496 W. Cypress St., Ste A  
 Tampa, FL 33607  
 NAPE / FNT File No. NT04-0438

CFN 20060271949  
 OR BK 20309 PG 1370  
 RECORDED 05/08/2006 16:27:50  
 Palm Beach County, Florida  
 Sharon R. Beck, CLERK & COMPTROLLER  
 Pgs 1370 - 13761 (7pgs)

HFA Clear Lake 1st -  
 newest Exh A attached

### ASSIGNMENT OF BENEFICIAL INTEREST IN Mortgage

FOR VALUE RECEIVED, THE UNDERSIGNED ("Assignor") hereby grants, assigns, sets over and transfers to David B. Chaffin, III, and Renee A. Chaffin, Trustees of the David B. & Renee A. Chaffin Family Trust dated 2/27/02 ("Assignee"), Five Thousand Dollars (\$50,000) of Assignor's undivided beneficial interest in the Mortgage (as defined below). As used herein, "Mortgage" shall mean that certain Mortgage, Security Agreement and Assignments of Rent (the "Mortgage") dated 5th day of January, 2005, by and between HFAH Clear Lake LLC, a Florida limited liability company, ("Mortgagee") and those persons listed on Exhibit "A" thereto ("Mortgage"). The Mortgage was recorded on January 21, 2005 as Document No. 20050040083, Book No. 18043 page 1448, in the Official Records of Palm Beach County, Florida.

This Assignment is made together with the Note or Notes therein described or referred to therein, the money due or to become due thereon, together with interest and rights accrued or to accrue under said Mortgage.

DATED this 6 day of March, 2006.

ASSIGNOR: Nancy R. Davis, Trustee of the Nancy R. Davis Defined Benefit Plan

Nancy R. Davis  
 Nancy R. Davis Trustee

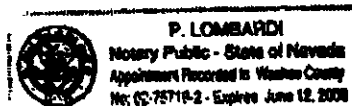
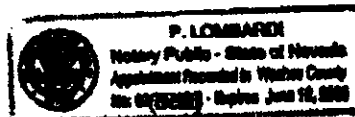
STATE OF NU

COUNTY OF Washoe

On 3/6, 2006, before me, P. Lombardi, a Notary Public in and for said State, personally appeared Nancy R. Davis Trustee of the Nancy R. Davis Defined Benefit Plan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

P. Lombardi  
 Signature



HFA Clear Lake 1<sup>st</sup>  
5/8/06

## EXHIBIT "A"

## LENDERS

Trib.

HFA - Clear Lake

NAME

Amount

Ali M. Abyane & Schella M. Abyane Trustees of the Abyane Family Trust dated 2/7/82	\$250,000.00
Daniel C. Altman & Barbara A. Altman Trustees of the Altman Living Trust dated 11/4/04	\$150,000.00
Charles B. Anderson Trustee of the Charles B. Anderson Trust	\$100,000.00
Rita P. Anderson Trustee For the Benefit of Rita P. Anderson Trust	\$100,000.00
Bert E. Arnland Trustee of the Bert E. Arnland Charitable Remainder Unitrust dated 12/31/01	\$50,000.00
✓ Lawrence J. Aronson & Henrietta Aronson, husband & wife as joint tenants with rights of survivorship	\$100,000.00
Michael K. M. Au, a single man dealing with his sole and separate property	\$50,000.00
Daniel C. Barua, a married man dealing with his sole & separate property	\$50,000.00
Lidia Barnoli & Daniela Barnoli Ferrari, joint tenants with right of survivorship	\$50,000.00
Jack J. Beaulieu Trustee of the Jack J. Beaulieu Revocable Living Trust dated 9/1/94	\$100,000.00
Kenneth R. Becker & Joanne P. Becker, husband & wife, Grace Becker & Sarah Becker, their minor children with right of survivorship	\$100,000.00
Larry E. Bell & Garnet P. Bell, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Joseph C. Bellan & Verna J. Bellan Trustees of the Joseph C. Bellan & Verna J. Bellan Revocable Living Trust dated 2/4/00	\$50,000.00
David P. Betteridge, a single man	\$50,000.00
Virgil Leo Birgen & La Donna Frances Birgen Trustees of the Birgen Family Trust	\$50,000.00
Virgil L. Birgen & La Donna F. Birgen Trustees of the Birgen Charitable Trust dated 8/1/90	\$100,000.00
Gerald L. Bittner, Jr. DDS Profit Sharing Plan	\$75,000.00
Rene C. Blanchard Trustee of the Rene C. Blanchard Revocable Living Trust dated 2/14/73	\$50,000.00
Rene C. Blanchard Trustee of the Rene C. Blanchard Charitable Remainder Trust dated 5/6/04	\$100,000.00
William Bolding & Carolyn Bolding, husband & wife, as joint tenants with right of survivorship	\$50,000.00
James R. Bonfiglio & Donna M. Bonfiglio General Partners of the Broadwalk Investments Limited Partnership	\$100,000.00
John S. Borkoski & Kathleen Borkoski, husband & wife, as joint tenants with rights of survivorship	\$50,000.00
✓ Charles E. Borom & Lanna G. Borom, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Raymond Braky & Rita Braky, husband & wife, as joint tenants with right of survivorship	\$100,000.00
John S. Broders, an unmarried man	\$50,000.00
Howard D. Brooks & Doreen C. Brooks Trustees of the Brooks Living Trust dated 6/30/97	\$50,000.00
First Savings Bank Custodian For Edward Burgess IRA	\$75,000.00

## HFA- Clear Lake

NAME	Amount
Peter W. Capone & Deidre D. Capone, husband & wife, as joint tenants with right of survivorship	\$100,000.00
James B. Cardwell Trustee of the Cardwell Charitable Trust	\$250,000.00
James B. Cardwell & Robin Jo Cardwell Trustees of the Cardwell Family Trust	\$400,000.00
Banking Trust Company Custodian for Richard F. Casey III, IRA #086082	\$50,000.00
Alta Fiedling, Inc., a Florida corporation	\$100,000.00
Margaret A. Cauchols & Jacqueline M. Cauchols Trustees of the M & J Cauchols Family Trust dated 2/23/93	\$50,000.00
Ronald Norman Cazier & Karen Rae Cazier Trustees of the Ronald Norman Cazier & Karen Rae Cazier Family Trust dated 3/9/00	\$50,000.00
A. William Challa, a married man dealing with his sole & separate property	\$110,000.00
David B. Chaffin, MD and Renee A. Chaffin, Trustees of the David B. & Renee A. Chaffin Family Trust dated 2/27/02	\$50,000.00
Tony Chamoun & Carmen Chamoun, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Kar Sei Cheung, a married woman dealing with her sole & separate property	\$50,000.00
Donald P. Clark Trustee of the Donald P. Clark Family Trust dated 10/23/94	\$100,000.00
Jack R. Clark & Linda C. Clark, husband & wife, as joint tenants with right of survivorship	\$50,000.00
George S. Cohen Trustee of the George S. Cohen & Natalie H. Cohen Family Trust dated 4/1/03	\$200,000.00
Frost Savings Bank Custodian for Peter C. Cranston IRA	\$60,000.00
Gary W. Crowe & Susan R. Crowe Trustees of the Crowe 1989 Family Revocable Trust dated 6/29/89	\$100,000.00
Wen Dai & Zhimin Chen, wife & husband, as joint tenants with the right of survivorship	\$50,000.00
Mack A. Daniel and Cathy A. Daniel Trustees of the Daniel Living Trust as amended dated 1/9/98	\$50,000.00
Laura Dashosh, an unmarried woman	\$50,000.00
Martin A. Davis & Virginia Lee Davis Trustees of the Davis Family 2000 Trust	\$100,000.00
S & P Davis Limited Partnership, a Texas Partnership	\$50,000.00
Tracy A. DeBerry, an unmarried man	\$50,000.00
James D. Dery & Ann R. Dery, husband & wife	\$75,000.00
Donald A. DeVito, a married man	\$250,000.00
Eric C. Diabrow Trustee of the Eric C. Diabrow MD Inc. Profit Sharing Plan	\$50,000.00
Arthur T. Donaldson, a married man dealing with his sole & separate property	\$300,000.00
Michele Donovan & Richard Donovan, as joint tenants with right of survivorship	\$100,000.00
Panagiotis Dovaniadis, a single man & Diamira Dovaniadou, a married woman dealing with her sole & separate property, as joint tenants with right of survivorship	\$50,000.00
Daniel Drubin & Laura Drubin, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Mary Ann Earp, a single woman & Mary H. Earp, a married woman dealing with her sole & separate property, as joint tenants with right of survivorship	\$60,000.00
Schwartz & Earp Joint Venture	\$57,000.00
Alisa R. Eisenbach & Jayne M. Eisenbach, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Scott J. Elowitz, a married man dealing with his sole and separate property	\$50,000.00
Dr. David R. Enrico & Dr. Bonny K. Enrico, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Frank E. Ensign, a single man	\$50,000.00
Casper H. Escher, Jr., an unmarried man	\$100,000.00



## HFA - Clear Lake

NAME	Amount
William H. Favro & Carol M. Favro Trustees of the Favro Trust dated 9/14/00	\$50,000.00
Terry Fernandez Trustee of the Fernandez Family Trust dated 6/20/84	\$100,000.00
First Savings Bank Custodian For R. David Ferrara IRA	\$50,000.00
R. David Ferrara Trustee of the Sacramento Research Medical Group Defined Benefit Pension Plan	\$50,000.00
First Savings Bank Custodian For Lynn Fennery IRA	\$70,000.00
Levin B. Fine & Ariane J. Fine, husband & wife	\$80,000.00
Daniel K. Fix & Barbara J. Fix Trustees of the Daniel K. Fix & Barbara J. Fix Family Trust	\$250,000.00
Anne Flanagan, an unmarried woman	\$50,000.00
Dennis Filer Trustee of the Dennis Filer, Inc. Defined Benefit Trust dated 6/25/87	\$100,000.00
David Fossell, a single man	\$100,000.00
Robert Geiger & Ruth Geiger, husband & wife	\$50,000.00
Stanley C. Gerhold & Dorothy Gerhold, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Gale Gladstone-Katz Trustee of the Gale Gladstone-Katz Revocable Living Trust dated 12/10/03	\$50,000.00
Berry J. Goldstein & Patricia B. Goldstein, as joint tenants with right of survivorship	\$50,000.00
Robin B. Graham & Coley Allen-Graham Trustees of the Graham Family Trust dated 10/26/78	\$100,000.00
Michael H. Greeley Trustee of the Michael Greeley Trust dated 7/27/60	\$50,000.00
First Savings Bank Custodian For Michael H. Greeley IRA	\$50,000.00
First Regional Bank Custodian For Clarence J. Greenwald IRA #69003263337	\$70,000.00
Kim W. Gregory & Debbie R. Gregory Trustees of the Gregory Family Trust of 1988	\$50,000.00
Inge Grist, an unmarried woman	\$50,000.00
Edwin C. Hansen & Rachel M. Hansen, joint tenants with right of survivorship	\$150,000.00
MLH Family Investment Limited, a Texas company	\$100,000.00
Christian Hansen, a single man	\$100,000.00
Kurt Hansen & Sandra Hansen, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Kay J. Hart, an unmarried woman	\$100,000.00
Edwin L. Hausler, Jr., Trustee for the Edwin Lowell Hausler, Jr. Living Trust dated 1/3/92	\$50,000.00
Kimberly Havins Trustee of the Paepae Estate Trust dated 05/01/00	\$50,000.00
Michael T. Heffner & Barbara C. Heffner Trustees of the Heffner Family Trust dated 9/10/02	\$100,000.00
Helma Homes, LLC, a Nevada limited liability company	\$500,000.00
Terry Helms Trustee of the Terry Helms Living Trust dated 11/11/94	\$100,000.00
Jay E. Henman Trustee of the Jay E. Henman Retirement Plan	\$50,000.00
First Trust Co. Of Oregon Custodian for Hamilton M. High IRA	\$50,000.00
First Trust Co. Of Oregon Custodian For Brenda J. High IRA	\$71,000.00
First Savings Bank custodian for Shellen Hilgenberg IRA	\$50,000.00
Charles D. Hopson Trustee of the Charles D. Hopson Living Trust dated 2/20/96	\$100,000.00
Mila Horak, an unmarried woman	\$50,000.00
Rodney C. Hulce and Cathryn J. Hulce, trustees of the Hulce Family Trust	\$50,000.00
Carole Jaffe In Trust For Ken M. Jaffe & Amy Jaffe-Rosen	\$50,000.00
Albert G. Johnson Jr. & Norma J. Johnson Trustees of the Johnson Family Trust dated 2/17/98	\$60,000.00
Everett H. Johnston Trustee of the Everett H. Johnston Family Trust dated 1/24/90	\$100,000.00
Delbert T. Johnston, Jr. & Rebecca J. Johnston Trustees of the Johnston Estate Revocable Trust dated 5/17/94	\$50,000.00

## HFA- Clear Lake

NAME	Amount
Donald A. Kantor and Ruth E. Kantor, Trustees of the Kantor Family Trust, dated 7/6/82	\$350,000.00
Robert J. Kohl & Ruth Ann Kohl, husband & wife, as joint tenants with right of survivorship	\$35,000.00
William Klevay & Gail Klevay, husband & wife	\$35,000.00
Asa G. Knobel Trustee of the 1996 Knobel Trust dated 9/3/96	\$35,000.00
Gustaf A. Kohler & Elfriede Kohler Trustees of the 1989 Kohler Living Trust dated 6/13/89	\$100,000.00
Lawrence Kulper, Jr. & Audrey H. Kulper Trustees of the Kulper Trust	\$35,000.00
Michael LaTorra & Joan LaTorra, husband & wife, as joint tenants with right of survivorship	\$75,000.00
Jose M. Larraga & Gladys Larraga, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Suzanne Liewch Trustee of the Suzanne Liewch 2000 Revocable Trust dated 1/18/00	\$30,000.00
Verano Solutions, LLC	\$75,000.00
Brant C. Lyall and Kathy J. Lyall, husband and wife, as joint tenants with right of survivorship	\$30,000.00
Helen C. Makepeace Trustee of the Helen C. Makepeace Survivor's Trust UAD 06/18/97	\$30,000.00
Tamara A. Mammad, a married woman as her sole and separate property	\$15,000.00
Gilbert Manuel, Trustee of the Gilbert Manuel Living Trust dated 1/3/92	\$30,000.00
TK & Associates, a Minnesota company	\$30,000.00
Dale J. McMullin Trustee of the McMullin Living Trust dated 8/19/94	\$30,000.00
Rosemarie L. McMullin, as her separate property under the Phillip E. McMullin & Rosemarie L. McMullin Family Trust dated 4/4/80 & amended 3/19/94	\$30,000.00
David R. McPherson & Susan McPherson, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Michaelson Holdings, LLC, a Nevada limited liability company	\$30,000.00
Gary A. Michelsen, an unmarried man	\$30,000.00
Matthew Mollich Trustee of the Mollich 1997 Trust	\$30,000.00
Moulinetti, Inc., a Nevada corporation	\$30,000.00
Ronald K. Montesano Trustee for the benefit of The Underpass Trust	\$30,000.00
Frieda Moon Trustee of The Decedent's Trust of the Restated Moon 1987 Revocable Trust dated 6/12/87	\$30,000.00
Paula A. Morgan Trustee of the P. Morgan Trust dated 7/1/88	\$30,000.00
Lorraine Murray & Lois H. Murray, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Equity Trust Company Custodian For the Benefit of the Fred G. Neufeld IRA	\$30,000.00
Daniel D. Newman Trustee of the Daniel D. Newman Trust dated 11/1/92	\$70,000.00
Richard A. Nielsen Incorporated Profit Sharing Plan	\$100,000.00
Robert L. Ogren Trustee for the benefit of the Robert L. Ogren Trust dated 6/30/92	\$30,000.00
David M. Olds & Sally W. Olds, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Adrian J.R. Oosthuizen, a married man dealing with his sole & separate property	\$30,000.00
William J. Oves, Jr. Trustee of the Oves Associates, Inc. Defined Pension Plan	\$30,000.00
Jingxiu Jason Pan, a married man dealing with his sole & separate property	\$130,000.00
Cynthia Ann Pardes Trustee of the Cynthia Ann Pardes Trust dated 6/20/03	\$30,000.00
Charles Lebron Parker & Mary Jane Parker, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Mojave Canyon, Inc., a Nevada Corporation; J.B. Partain, President	\$150,000.00



### HFA- Clear Lake

NAME	Amount
Shimon Peress & Hannah Peress Trustees of the Shimon Peress & Hannah K. Peress Trust dated 4/17/01	\$34,000.00
Pat J. Phenix, a married woman dealing with her sole & separate property	\$30,000.00
Karen L. Pidgeon Trustee of the Karen L. Pidgeon 2006 Living Trust dated 2/27/2006	\$100,000.00
Charles Pollard Jr., a married man dealing with his sole & separate property	\$30,000.00
Morgan J. Port, a married man dealing with his sole & separate property	\$30,000.00
Proper Investments, LLC a Nevada Company, Anthony Precia and Nancy Precia Managers	\$75,000.00
Alexander S. Raymond & Marla A. Raymond	\$25,000.00
Emil Reynolds & Anna Reynolds, husband & wife	\$30,000.00
First Savings Bank Custodian For Mammal G. Rice IRA	\$30,000.00
Larry L. Rieger & Patry R. Rieger Trustees of the Larry L. Rieger & Patry R. Rieger Revocable Trust dated 8/14/91	\$120,000.00
Harvey Andrew Rinner III Trustee for the Harvey Andrew Rinner III Trust UTA dated 11/15/02	\$30,000.00
Cassandra J. Robbins, an unmarried woman	\$30,000.00
Alan Robinson & Gail Robinson, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Eleanor L. Rogers Trustee of the Eleanor L. Rogers 1991 Revocable Living Trust dated 7/3/91	\$100,000.00
Stuart M. Rosenstein & Deborah H. Rosenstein, husband and wife as joint tenants with rights of survivorship	\$50,000.00
Lee Ratchy Trustee of the Lee Ratchy Trust dated 12/5/00	\$30,000.00
Richard J. Ryan Trustee of the Ryan 1999 Revocable Living Trust dated 11/15/99	\$30,000.00
Burton M Seck Trustee of the Scott A Seck Irrevocable Trust dated 3/18/94	\$100,000.00
Burton M Seck Trustee of the David A Seck Irrevocable Trust dated 3/28/94	\$100,000.00
David Saiton & Joan Saiton, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Howard Samsen & Vera Samsen, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Julius Schmidt Trustee of the Schmidt Family Trust	\$30,000.00
David W. Schroeder, a single man	\$30,000.00
Douglas Gregg Schulze & Doreen L. Schulze, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Milton B. Senfeld & Barbara A. Senfeld, husband & wife, as joint tenants with right of survivorship	\$30,000.00
David W. Sexton & Pamela K. Sexton, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Marion C. Sharp Trustee of the Marion C. Sharp Trust	\$50,000.00
Ronald Sharpe, a single man	\$15,000.00
Mollie Sholchet, a married woman & Henrietta Aronson, a married woman, as joint tenants with rights of survivorship	\$100,000.00
Donald B. Shoup & Sharon K. Shoup, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Alm R. Simmons & Judith B. Simmons, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Bernard Sindler Trustee of the B S Living Trust	\$30,000.00
Tara Sindler, dealing with her sole and separate property	\$30,000.00
Francesco Soro	\$50,000.00
Clifton H. Spindle & Verna R. Spindle, husband & wife, as joint tenants with right of survivorship	\$30,000.00

HFA - Clear Lake

NAME	Amount
Robert A. Stevenson Trustee of the Dalton Trust dated 1/7/94	\$100,000.00
Michael D. Stewart & Mary Jude Stewart Trustees of the Stewart Family Trust dated 4/19/98	\$100,000.00
Harold Surge, an unmarried man transfer on death to Elyse Sauerling, a married woman	\$80,000.00
Leslie C. Swilley, an unmarried man	\$80,000.00
KJ Capital GO Investments, LTD, a Texas company	\$100,000.00
Evelyn E. Taylor Trustee of the Evelyn C. Taylor Separate Property Trust dated 2/17/87	\$100,000.00
First Savings Bank Custodian For Jacqueline Thurmond IRA	\$80,000.00
Sigmund D. Tomczak & Diana Tomczak Trustees of the Tomczak Family Trust dated 4/25/83	\$75,000.00
Richard R. Tracy Trustee of the Reno Aeronautical Corporation Defined Benefit Retirement Plan	\$75,000.00
Richard R. Tracy & Ursula W. Tracy, husband & wife, as joint tenants with right of survivorship	\$80,000.00
Carlos A. Trujillo, a single man	\$120,000.00
Person Trust Company, Inc. Custodian For Robert William Uhn IRA	\$80,000.00
USA Commercial Real Estate Group	\$80,000.00
USA Capital Diversified Trust Deed Fund	\$101,000.00
Gloria Valdez, a single woman	\$80,000.00
Lloyd F. Van Sickle Trustee of the Van Sickle Family Trust dated 5/20/99	\$100,000.00
Melody J. Violet, an unmarried woman	\$80,000.00
Madeline P. Von Tagon Trustee of the Von Tagon Trust dated 5/2/96	\$80,000.00
Heinrich Richard Weber & Brigitte R. Weber, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Diana F. Weiland Trustee for the benefit of Gerald R. Weiland & Diana F. Weiland Trust	\$80,000.00
First Savings Bank Custodian for Tina M. Wener IRA	\$80,000.00
Connie Westbrook, an unmarried woman	\$80,000.00
Barton R. Wilkinson & Dianna J. Wilkinson, husband & wife, as joint tenants with the right of survivorship	\$70,000.00
Shirley Mae Willard Trustee of the Willard Family Trust	\$100,000.00
Frederick P. Windloch Trustee of the Windloch 1998 Living Trust	\$80,000.00
LK Wolfe Family, LP, a Nevada limited partnership	\$80,000.00
Kenneth H. Wyatt & Phyllis P. Wyatt Trustees of The Kenneth H. & Phyllis P. Wyatt Family Trust	\$80,000.00
Joseph G. Zappulla & Carol A. Zappulla, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Anthony J. Zerbo, an unmarried man	\$80,000.00
Terry A. Zimmerman Trustee of the Terry Audrey Zimmerman Living Trust dated 9/4/90	\$100,000.00

Exhibit 'A' for 206 people with a total \$ value of \$16,090,000.00

[Exhibit 6]

**USA Commerical Mortgage Company ("USA")**

as Loan Servicing Agent for

**HFA- Clear Lake**

1/19/2005 - 4/12/2006

THIS STATEMENT REFLECTS THE STATUS THROUGH THE BANKRUPTCY PETITION DATE.  
CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

Vesting Name: First Savings Bank Custodian For Arthur I. Kriss IRA

Address: ARTHUR I KRISS IRA  
C/O FIRST SAVINGS BANK CUSTODIAN  
2398 W 1050 N  
HURRICANE, UT 84737-3110

Client ID: 1418

Performance Evaluation: Non-Performing

*It appears as though  
this was a non-performing  
loan when I subscribed.*

1. Original Principal Investment	\$50,000
2. Principal Investment Assigned Out	0
3. Net Principal Investment	\$50,000
4. Principal Payments Made by Borrower to USA	\$0
5. Principal Payments Remitted by USA to Lender	0
6. Principal Payments Unremitted by USA to Lender	\$0
7. Interest Paid to USA by Borrower, net of service fee	\$0
8. Interest Remitted or Advanced by USA to Lender	0
9. Interest Due to (from) Lender	\$0
10. Unremitted Principal held in Collection Account	\$0 *
11. Interest Due to (from) Lender	0
12. Net Amount Currently Due to (from) Lender	\$0
13. Unremitted Principal not held in Collection Account	\$0
14. Interest Unpaid to USA by Borrower, net of service fee	\$400

\* Undetermined at Filing

The interest amounts assume a simple interest calculation.

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

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